

REMARKS

The present application includes pending claims 1-26, all of which have been rejected. By this Amendment, claims 1-3, 5-15, and 17-26 have been amended to clarify aspects of the inventions. New claims 27-56 have been added. The Applicants respectfully submit that the pending claims define patentable subject matter.

The specification was objected to due to missing information in paragraph [0002]. This paragraph has been amended to overcome this objection.

Claims 25 and 26 were rejected under 35 U.S.C. 112, second paragraph, because there is insufficient antecedent basis for “the set top box.” Claim 25 has been amended to correct this minor typographical error.

Claims 1-7, 9, 12-19, 21, and 24 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. 7,065,778 (“Lu”). Claims 8 and 20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lu in view of U.S. 7,084,994 (“Koppich”). Claims 10, 11, 22, 23, 25, and 26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lu in view of U.S. 7,170,546 (“Pocock”). The Applicants respectfully traverse these rejections for at least the following reasons:

I. Lu Does Not Anticipate Claims 1-7, 9, 12-19, 21, And 24

Lu “relates to the field of utilizing personalized video recorders and other similar types of devices to distribute television programming.” *See* Lu at column 1, lines 7-11. In particular, Lu discloses a system in which a user is able to record a show that is transmitted in another broadcast area. *See id.* at Abstract.

For example, Lu describes the following:

Specifically, personalized video recorder 200 is coupled to the Internet 302 such that it can receive an electronic programming guide (EPG) containing worldwide television programming from an EPG server computer 304. The user of personalized video recorder 200 utilizes the EPG to request delivery of a specific television show that may not be available to him or her. Upon reception of the request from personalized video recorder 200, EPG server computer 304 locates via Internet 302 one or more personalized video recorders... situated within a broadcast region of the requested television show. Subsequently, EPG server computer 304 programs one or more personalized video recorders... to record the requested television show when it is broadcast by a television content provider.... Once the personalized video recorders... record the television show, one or more of the personalized video recorders may transmit it to EPG server computer 304 which then transmits it to the requested personalized video recorder 200. In this manner, the present embodiment enables personalized video recorder 200 to order and receive specific television shows that are unavailable from its television content provider....

Lu at column 6, lines 39-61. Thus, Lu discloses a system in which a user sends a recording request that is received by a server computer via the Internet. The server computer then arbitrarily locates a recorder within the broadcast region of the show, and then sends the recorded show back to the requesting user.

Independent claims 1 and 13 recite, in part, “server software that receives, via a communication network, a **request that identifies** one or more of the associated first or second network addresses, a user identifier, and authorization information, and **responds by identifying the other of the associated first or second network addresses....**” Lu does not describe, teach, or suggest such limitations. Instead, Lu merely discloses that a user of a PVR requests delivery of a specific television show, at which point a server computer arbitrarily locates another PVR in a particular broadcast area to record the show for the requesting PVR.

The Office Action cites Lu at column 10, lines 10-15, as disclosing a request that “identifies at least one of the associated first and second network addresses.” See March 2, 2007 Office Action at page 5. This portion of Lu states, however, the following:

Furthermore, the programming instructions of step 512 may also include an Internet Protocol (IP) address of a device (e.g., personalized video recorder 200) that the personalized video recorder (e.g., 200A or 200B) should transmit the requested television show to once it has been recorded.

Lu at column 10, lines 10-15. This portion of Lu merely indicates the IP address of the location to which the recorded show will be sent. This portion of Lu does not, however, describe, teach or suggest “server software that receives, via a communication network, a **request that identifies** one or more of the associated first or second network addresses, a user identifier, and authorization information, and **responds by identifying the other of the associated first or second network addresses...**,” as recited in claims 1 and 13. Thus, for at least this reason, the Office Action has not established a *prima facie* case of anticipation with respect to claims 1, 13, or the claims that depend therefrom.

Additionally, the Office Action cites Lu at column 6, lines 45-50 as disclosing “respond[ing to a request that identifies one of the associated first and second network addresses] by identifying the other of the associated first and second network addresses.” See March 2, 2007 Office Action at page 5. This portion of Lu recites, however, the following:

Upon reception of the request from personalized video recorder 200, EPG server computer **locates** via Internet 302 one or more personalized video recorders (e.g., 200A and/or 200B) situated within a broadcast region of the requested television show.

See Lu at column 6, lines 45-50. The “request” mentioned in this passage is a “request [for] delivery of a specific television show that may not be available to him or her.” See *id.* at column

6, lines 43-45. A request for delivery of a specific television show that may not be available to a person is not a “request that identifies one of the associated first and second network addresses.” Moreover, in response to the request for delivery, Lu discloses that the EPG server “locates one or more personalized video recorders situated within a broadcast region of the requested television show.” Location of a recorder within a particular broadcast region in response to a request for delivery of a particular television show is not a response to a request that identifies one of the associated first and second network addresses that “identif[ies] the other of the associated first and second network addresses,” as recited in claim 1. Thus, for at least this reason, the Office Action has not established a *prima facie* case of anticipation with respect to claims 1, 13, or the claims that depend therefrom.

In light of the above, Lu also does not describe, teach, or suggest the following:

“to support management of one of the associated first or second sets of options governing the consumption of media,” as recited in claims 1, 13, 27, and 45; or

“enabling the management of the associated set of options governing the consumption of media,” as recited in claims 25 and 27.

For at least the reasons discussed above, the Applicants respectfully submit that the Office Action has not established a *prima facie* case of anticipation with respect to claims 1-7, 9, 12-19, 21, and 24. Indeed, Lu does not anticipate these claims for at least the reasons discussed above.

II. The Proposed Combination Of Lu And Koppich Does Not Render Claims 8 And 20 Unpatentable

The Applicants respectfully submit that the proposed combination of Lu and Koppich does not render claims 8 and 20 unpatentable for at least the reasons discussed above.

III. The Proposed Combination Of Lu And Pocock Does Not Render Claims 10, 11, 22, 23, 25, And 26 Unpatentable

The Applicants next turn to the rejection of claims 10, 11, 22, 23, 25, and 26 as being unpatentable over Lu in view of Pocock. The Applicants respectfully submit that claims 10, 11, 22, and 23 should be in condition for allowance for at least the reasons discussed above.

Additionally, the Office Action acknowledges that “Lu does not specifically teach a telephone voice response system for receiving user input via a telephone network, and having an associated third network address, and server software that receives a request from the telephone voice response system.” *See* March 2, 2007 Office Action at page 14. To overcome these deficiencies, the Office Action cites Pocock. *See id.*

Pocock discloses a “television system which is capable of concurrently distributing multiple video presentations having different video information content over a single television channel for receipt by different respective viewers.” *See* Pocock at column 1, lines 11-15. Pocock describes a system in which “[u]ser requested interactive instructions between a user at the terminal end and the presentation system are transmitted by an associated telephone line or other communication link.” *See id.* at Abstract. While Pocock discloses a system in which instructions are transmitted over a telephone line or other communication link, Pocock does not describe, teach, or suggest a “server software that receives from the telephone voice response

system a request, and responds by enabling the management of the associated set of options governing the consumption of media.”

The Office Action cites Pocock at column 6, lines 19-37, and column 12, lines 26-31, as disclosing a telephone voice response system. *See* March 2, 2007 Office Action at page 14.

Pocock at column 6, lines 19-37 states the following:

Referring now to FIG. 3, an overall system diagram of a television system combining broadcast and interactive television services is illustrated. When an interactive presentation is requested, according to the present invention, the viewer sends instructions to a presentation system 10 at a central location to identify one or more presentations that are desired to be viewed. These instructions are transmitted from the viewer's remote location to the central location by means of a wire, fiber optics, cellular, radio or other telephone network 12. For example, the instructions might be transmitted as touch tones which the user generates by depressing buttons of the keypad on his telephone set. More preferably, however, the instructions are generated within a user terminal 14 located at the viewer's home, and transmitted over the telephone network as DTMF or modem tones on an analog line, or data on a digital line such as the ISDN format. For ease of use, the terminal 14 is preferably controlled by means of a remote control unit 16, which transmits instructions to the terminal 14 via infrared signals.

This passage of Pocock merely describes that instructions may be transmitted over a telephone network. This passage does not describe, teach, or suggest, however, “server software that receives from the telephone voice response system a request, **and responds by enabling the management of the associated set of options governing the consumption of media.**”

Next, Pocock at column 12, lines 26-31, states the following:

The invention includes alternate methods for creating and modifying the carousel image assignment whereby users could utilize a telephone to access the DAS system or control computer and through the input of DTMF tones or voice prompts,

recognizable to the system, create or make changes to a [sic]
interactive image carousel.

While this passage of Pocock discloses that an interactive image carousel may be created or changed through input DTMF tones or voice prompts, it does not describe, teach, or suggest “server software that receives from the telephone voice response system a request, **and responds by enabling the management of the associated set of options governing the consumption of media.**” In particular, the creation or modification of an interactive image carousel through voice prompts is not the same as enabling the management of a set of options governing the consumption of media through a telephone voice response system request.

Claims 10 and 22 recites, in part, “server software that receives from the telephone voice response system a request that identifies one of the associated first, second, or third network addresses, a user identifier, and authorization information, and responds by identifying another of the associated first, second, ~~and~~ or third network addresses, to support management of one of the associated first or second sets of options governing the consumption of media.” Neither Lu, nor Pocock, describe, teach, or suggest these limitations, as discussed above.

Further, the proposed combination of references also does not describe, teach, or suggest “server software that receives from the telephone voice response system a request, and responds by enabling the management of the associated set of options governing the consumption of media,” as recited in claim 25. Thus, for at least these reasons, a *prima facie* case of obviousness has not been established with respect to claims 10, 11, 22, 23, 25 and 26.

Additionally, the Office Action cites Pocock at column 6, lines 43-46, as disclosing a telephone voice response system “having an associated third network address” as recited in claims 10 and 22. This portion of Pocock discloses the following:

For example, the identification might indicate the particular video presentation to which it pertains, or it may be an address identifying the viewer for whom it is intended. All of the selected video images are assembled into a video signal that is transmitted to the viewers.

This portion of Pocock discloses that a viewer may have an address to which an item is to be sent. It does not describe, teach, or suggest, however a “**telephone voice response system...** having an associated third network address,” as recited in claim 10 and 22. Thus, for at least this additional reason, the Office Action has not established a *prima facie* case of obviousness with respect to claims 10, 11, 22, and 23.

IV. New Claims 27-56 Are In Condition For Allowance

The Applicants respectfully submit that Lu alone, or in combination with any of the other cited references, does not anticipate or render claims 27-56 unpatentable for at least the reasons discussed above.

The fee for these new claims is calculated as follows:

30 additional claims in excess of 20 X \$50/claims = \$1,500

3 additional independent claim in excess of 3 X \$200 = \$600

TOTAL = \$2,100

V. Conclusion

In general, the Office Action makes various statements regarding claims 1-26 and the cited references that are now moot in light of the above. Thus, the Applicants will not address such statements at the present time. However, the Applicants expressly reserve the right to challenge such statements in the future should the need arise (e.g., if such statement should become relevant by appearing in a rejection of any current or future claim).

The Applicants respectfully submit that the Office Action has not established a *prima facie* case of anticipation or obviousness with respect to any of the pending claims for at least the reasons discussed above and request that the outstanding rejections be reconsidered and withdrawn. If the Examiner has any questions or the Applicants can be of any assistance, the Examiner is invited to contact the Applicants.

The Commissioner is authorized to charge any necessary fees, including the \$2,100 fee for new claims 27-56 , or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

Date: May 30, 2007

Joseph M. Butscher
MCANDREWS, HELD & MALLOY, LTD.
500 West Madison Street, 34th Floor
Chicago, Illinois 60661
Telephone: (312) 775-8000
Facsimile: (312)775-8100

/Joseph M. Butscher/

Registration No. 48,326
Attorney for Applicant